



#3

DECLARATION FOR PATENT APPLICATION IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

As a below named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name, and I believe that, I am the original, first and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled POSITIONER FOR PRECISELY MOVING AN E-BLOCK OF A DISK DRIVE, the specification of which is filed as U.S. Application Serial No. 09/768,974.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to patentability in accordance with 37 C.F.R. §§ 1.56(a)-(b) as set forth on the attached sheet at Page 3 hereof and which I have read.

I hereby claim foreign priority benefits under 35 U.S.C. §§ 119(a)-(d) or 365(a)-(b) of any foreign application(s) for patent or inventor's certificate(s) or PCT international application(s) which designate at least one country other than the United States of America, listed below and have also identified below any foreign application(s) for patent or inventor's certificate(s) or PCT international application(s) having a filing date before that of the application(s) on which priority is claimed:

<u>Prior Foreign Application(s)</u>	<u>Number</u>	<u>Country</u>	<u>Month/Day/Year Filed</u>	<u>Priority Claimed</u>
				<u>Yes</u> <u>No</u>
	N/A			

I hereby claim the benefit under 35 U.S.C. §§ 120 and 365(c) of any United States application(s) and any PCT international application(s) designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in such prior application(s) in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information material to patentability in accordance with 37 CFR §§ 1.56(a)-(b) which occurred between the filing date(s) of the prior application(s) and the national or PCT international filing date of this application:

<u>Application Serial No.</u>	<u>Filing Date</u>	<u>Status: patented, pending, abandoned</u>
N/A		

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

<u>Application Serial No.</u>	<u>Filing Date</u>
N/A	

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

1) Inventor's Signature Ken Chang Date 7/20/2001

Inventor's Name (typed): Ken Chang

Citizenship: United States

Residence: 20096 Chateau Drive
Saratoga, CA 95070

Post Office Address*: Same as Residence

*Complete Post Office Address in full if different from Residence, otherwise indicate that the Post Office Address is "Same as Residence."

37 C.F.R. §§ 1.56(a)-(b)
DUTY TO DISCLOSE INFORMATION MATERIAL
TO PATENTABILITY

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

(1) prior art cited in search reports of a foreign patent office in a counterpart application, and

(2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

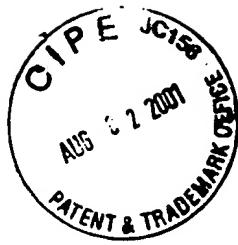
(1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or

(2) It refutes, or is inconsistent with, a position the applicant takes in:

- (i) Opposing an argument of unpatentability relied on by the Office, or
- (ii) Asserting an argument of a patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.*

*Note, 37 C.F.R. § 1.97(h) states: "The filing of an information disclosure statement shall not be construed to be an admission that the information cited in the statement is, or is considered to be, material to patentability as defined in §1.56(b)."



#3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Chang
Assignee: Maxtor Corporation
Title: POSITIONER FOR PRECISELY MOVING AN E-BLOCK OF A DISK DRIVE
Serial No.: 09/768,974 Filed: January 23, 2001
Examiner: Unknown Group Art Unit: 2652
Atty. Docket No.: Q00-1101-US1

ASSISTANT COMMISSIONER FOR PATENTS
Washington, D.C. 20231

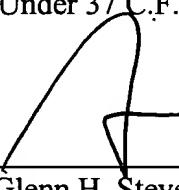
POWER OF ATTORNEY

Maxtor Corporation, as assignee of the entire interest in the above-identified application, hereby appoints the following attorney to prosecute this application and to transact all business in the United States Patent and Trademark Office in connection therewith.

David M. Sigmond
Reg. No. 34,013

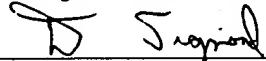
Attached to this power is a Statement Under 37 C.F.R. § 3.73(b) Establishing Right of Assignee to Take Action.

By: _____


Glenn H. Stevens
General Counsel
Maxtor Corporation

Date: July 30, 2001

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on July 30, 2001.



David M. Sigmond
Attorney for Applicant

7/30/01

Date of Signature



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Chang

Assignee: Maxtor Corporation

Title: POSITIONER FOR PRECISELY MOVING AN E-BLOCK OF A DISK DRIVE

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ASSISTANT COMMISSIONER FOR PATENTS
Washington, D.C. 20231

**STATEMENT UNDER 37 C.F.R. § 3.73(b)
ESTABLISHING RIGHT OF ASSIGNEE TO TAKE ACTION**

Maxtor Corporation is the assignee of the entire interest in the above-identified application by virtue of an Assignment from the inventor of the above-identified application. The Assignment is submitted herewith for recordal in the Patent and Trademark Office. A copy of the assignment is attached hereto.

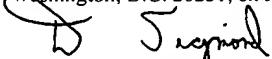
The assignee seeks to take action in the Patent and Trademark Office in this matter. The undersigned is empowered to sign this Statement on behalf of the assignee.

By: _____

Glenn H. Stevens
General Counsel
Maxtor Corporation

Date: July 30, 2001

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on July 30, 2001.



David M. Sigmund
Attorney for Applicant

7, 30, 01

Date of Signature

ASSIGNMENT

WHEREAS, I, KEN CHANG of Saratoga, California, have invented a certain new and useful invention entitled POSITIONER FOR PRECISELY MOVING AN E-BLOCK OF A DISK DRIVE for which an application for Letters Patent of the United States has been filed as U.S. Application Serial No. 09/768,974;

NOW THEREFORE, be it known that I, the said inventor, for and in consideration of certain good and valuable consideration, the sufficiency and receipt of which is hereby acknowledged, at the request of the assignee do sell, assign and transfer unto said assignee, MAXTOR CORPORATION, a Delaware Corporation having a place of business at 2190 Miller Drive, Longmont, Colorado 80501, its successors, legal representatives and assigns, the entire right, title and interest in the aforesaid application for the territory of the United States of America and all continuation, divisional, continuation-in-part and reissue applications, all patent applications in foreign countries, all applications pursuant to the Patent Cooperation Treaty and all applications for extension filed or to be filed for the invention, and all Letters Patent, Invention Registrations, Utility Models, Extensions or Reissues, Reexaminations and other patent rights, obtained for the invention in the United States or any other country; I also assign any right, title or interest in and to the said invention which has not already been transferred to the assignee, I warrant that I have made no assignment of the invention, application or patent therefor to a party other than MAXTOR CORPORATION and I am under no obligation to make and shall not make any assignment of the invention, application, or patent therefor to any other party; and I further agree to cooperate with the assignee hereunder in the obtaining, sustaining and enforcing of any and all such Letters Patent and patent rights and in confirming the assignee's exclusive ownership of the invention, without further consideration, but at the expense of said assignee.

The Commissioner of Patents and Trademarks is hereby authorized and requested to issue the Letters Patent solely in accordance with the terms of this Assignment, to MAXTOR CORPORATION, its successors, legal representatives and assigns, as the assignee of the entire right, title and interest therein.

IN WITNESS WHEREOF, the party hereto has executed this Assignment as of the date indicated hereunder.

Date:

7/20/2001

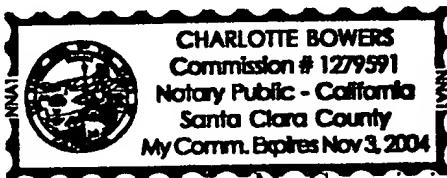
By:

Ken Chang
KEN CHANG

STATE OF *California*)
COUNTY OF *Santa Clara*) ss.

Before me, a Notary Public in and for said County and State, personally appeared KEN CHANG known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he or she executed the same for the purposes and considerations therein expressed.

Given under my hand and seal of office this 20th day of July, 2001.



My Commission Expires:

Charlotte Bowers
Notary Public
NOV. 3, 2004